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Subject: Public Affairs Summary for Regional Administrator, Jan. 09, 2017
Date: Tuesday, January 9, 2018 4:51:00 PM
Attachments: [image001.png](#)
[image002.png](#)
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Incoming Media and Congressional Inquiries and Selected News Clips for Regional Administrator's "Real Time" Awareness (Jan. 09, 2018)

Congressional Interest/Inquiries:

Email from Lee Forsgren re: meeting with the AK congressional delegation on Jan. 30. Working w/Office of Congressional and Intergovernmental Relations at HQ to coordinate plans for SES meeting schedule and Hill visits we are planning.

Press Inquiries:

None today.

Relevant Local and National News Clips

McConnell, Schumer update committee lineups

E and E|Jan. 9|

<https://www.eenews.net/eenewspm/2018/01/09/stories/1060070531>

37 senators call Zinke plan 'height of irresponsibility'

E and E|Jan. 9|

<https://www.eenews.net/eenewspm/2018/01/09/stories/1060070529>

States, cities urge Pruitt recusal from rollback

E and E|Jan. 9|

<https://www.eenews.net/eenewspm/2018/01/09/stories/1060070537>

Alaska releases first detailed report on negative health impacts of climate change

Anchorage Daily News|Jan. 9|

<https://www.adn.com/alaska-news/health/2018/01/08/alaska-releases-first-statewide-report-on-negative-health-impacts-of-climate-change/>

IG to audit Pruitt's hiring

E and E|Jan. 9|

<https://www.eenews.net/greenwire/2018/01/09/stories/1060070513>

Grants will be politically screened

E and E|Jan. 9|

<https://www.eenews.net/greenwire/2018/01/09/stories/1060070507>

\$10.7M fish ladder will help chinook salmon get around

E and E|Jan. 9|

<https://www.eenews.net/greenwire/2018/01/09/stories/1060070469>

National Academies launch climate communication push

Greenwire|Jan. 9|

<https://www.eenews.net/greenwire/2018/01/09/stories/1060070505>

Land swap eyed for road in Alaska wildlife refuge

Associated Press|Jan. 9|

<http://www.idahostatesman.com/news/business/article193660069.html>

State Sen. Doug Ericksen says he's not joining Trump's EPA after all

The Seattle Stranger|Jan. 8|

<https://www.thestranger.com/slog/2018/01/08/25689994/state-sen-doug-ericksen-says-hes-not-joining-trumps-epa-after-all>

EPA Headquarters Compiled (warning: this is long!):

[AP - Sen. Doug Ericksen says rumors about EPA job false](#)

[Reuters - U.S. regulators meet with California on fate of vehicle fuel rules](#)

[Montana Standard - Anaconda's schools to be sampled for lead, arsenic over spring break](#)

[Bloomberg Environment - EPA Gives Utilities Four Hours to Notify Public of Sewer Overflow](#)

[Bloomberg Environment - Six New Areas Exceed Sulfur Air Pollution Standards, EPA Says](#)

[Bloomberg Environment - Trump Renominates Candidates for Environmental, Safety Posts](#)

[The Hill - EPA staffing falls to Reagan-era levels](#)

[Washington Post - Delaware officials take public input on EPA plan repeal](#)

[Washington Examiner - Success: EPA set to reduce staff 50% in Trump's first term](#)

[Daily Caller - Confirmed: Government Employees Using Encrypted Messaging Apps On Work Phones, Potentially Violating Federal Law](#)

[Daily Caller - Trump's EPA Is On Course To Retire Half Its Staff](#)

[Politico - EPA says still mulling ozone rewrite as implementation progresses](#)

[WAMC Northeast Public Radio - EPA Delays Decision On GE's Hudson River PCB Cleanup](#)

[FarmFutures - EPA will award up to \\$3 million in environmental education grants](#)

[InsideEPA - GAO agrees to investigate natural disaster risks to Superfund sites](#)

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AP

<https://apnews.com/353aa9e293284f199bac6df95cebe343/Sen.-Doug-Ericksen-says-rumors-about-EPA--job-false>

Sen. Doug Ericksen says rumors about EPA job false

By AP, 1/8

Sen. Doug Ericksen says rumors about EPA job false

OLYMPIA, Wash. (AP) — Washington Sen. Doug Ericksen says rumors of his appointment to a job with the Environmental Protection Agency are false and that he's running for re-election this year. Shortly before the start of the new legislative session Monday, Ericksen told reporters that while he had considered job offers from the Trump administration over the past year he wanted to continue representing his district in the state Senate.

The Bellingham Herald had reported Friday that the Ferndale Republican was appointed as the senior adviser to the Region 10 administrator for the Environmental Protection Agency. Ericksen refused to confirm or deny the news at the time, and told several other news organizations that he would have something to say Monday. When asked why he didn't just correct the newspaper on Friday he said that he needed to notify others first, but still wouldn't confirm that a job offer was on the table Friday.

Reuters

<https://www.reuters.com/article/us-usa-autos-california/u-s-regulators-meet-with-california-on-fate-of-vehicle-fuel-rules-idUSKBN1EY01Q>

U.S. regulators meet with California on fate of vehicle fuel rules

By David Shepardson, 1/8, 7:36 PM

WASHINGTON (Reuters) - Senior U.S. government officials held talks in recent weeks with California's Air Resources Board (CARB) to discuss the goal of maintaining one set of national requirements for automakers, a move that will determine the fate of vehicle emissions rules.

The Dec. 15 meeting held in California included William Wehrum, head of the Environmental Protection Agency's Office of Air and Radiation, National Highway Traffic Safety Administration (NHTSA) deputy chief Heidi King, and Mike Catanzaro, a senior White House aide on environment and energy issues, a spokesman for CARB confirmed on Monday.

Automakers want the White House and California to reach agreement on revisions because a legal

battle over the rules could result in lengthy uncertainty for the industry. They also want changes in the rules to address lower gas prices and a shift in U.S. consumer preferences to larger, less fuel-efficient vehicles.

“We’ve had productive conversations under way with CARB and I would hope those conversations continue to be productive,” Wehrum said in an interview Friday at EPA headquarters. “I think a shared goal is to maintain one national program.”

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In 2011, California’s air emissions regulator and the Obama administration reached an agreement with major automakers to nearly double average fleetwide fuel efficiency to more than 50 miles per gallon by 2025, but included a “midterm review” to determine by April 2018 whether the final requirements were feasible.

California, joined by nearly a dozen other states, could seek to enforce its own current stricter emissions rules even if the Trump administration softens the 2022-2025 requirements.

The Obama administration announced it had completed the midterm review in its final days in January 2017 without making changes.

In a move widely seen as a preamble to loosening fuel standards, U.S. President Donald Trump announced in March he was revisiting the 2025 requirements. “The assault on the American auto industry is over,” Trump said. “We are going to ensure that any regulations we have protect and defend your jobs, your factories.”

Wehrum said if there was a “good solid technical basis” for revising the requirements, he hoped California would agree, adding the talks have been “very collegial and collaborative,” including that the December 15 meetings with California officials lasted for a couple of hours. He emphasized EPA has made no decisions on whether the requirements should be lowered.

CARB spokesman Stanley Young confirmed the discussion but declined to elaborate. Catanzaro did not respond to a request for comment.

NHTSA has said it plans to issue its proposed changes, if any, for the 2022-25 model years by March 30. NHTSA’s King declined to comment Monday on the status of the agency’s review or California talks. Regulators could also propose changes for 2021.

In June, New York state’s attorney general and 12 other top state law officials said they would mount a court challenge to any effort to roll back vehicle fuel rules.

Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, a trade group representing General Motors Co., Toyota Motor Corp, Volkswagen AG ([VOWG_p.DE](#)) and others, said the companies “fully support conversations between all the relevant parties.”

Montana Standard

http://mtstandard.com/news/local/anaconda-s-schools-to-be-sampled-for-lead-arsenic-over/article_294cbd30-0aff-5337-81a9-a426b02a9c5d.html

Anaconda's schools to be sampled for lead, arsenic over spring break

By Susan Dunlap, 1/9

Anaconda's three schools, including Lincoln Elementary, will be tested for arsenic and lead over spring break.

Ever since the county found high levels of lead in a sand box in Anaconda's Benny Goodman Park last spring, Anaconda-Deer Lodge County Chief Executive Bill Everett has been pushing to have Anaconda's three schools tested for both lead and arsenic in the air ducts and attics. The Environmental Protection Agency tested for arsenic in the soil on school grounds years ago, but never tested for lead and never checked for either metal inside school buildings.

EPA Regional Administrator Doug Benevento told The Montana Standard last month that he wanted to see the schools' air ducts and attics checked for potential metal contamination before the end of 2017. Everett said he hoped "we go in next week," to test for the potential hazardous waste during a meeting with Benevento in November. Anaconda School Superintendent Gerry Nolan said, at the same meeting, "We'll work with anybody to get that (testing) done this year."

But that deadline has come and gone.

EPA said that the agency is working with the school district and the school superintendent. The plan is to test for arsenic and lead during spring break, which is March 26 to April 2. That way, the students will be out and the process will not be disruptive for the children.

"EPA has been coordinating with the superintendent and school district, and they indicated a preference for sampling over spring break 2018 to minimize disruption of class schedules," Montana Superfund Chief Joe Vranka said by email last week.

Anaconda School Board Chair Bryan Lorengo did not respond to requests for comment.

Nolan did not respond to requests for an interview, but emailed a statement that said, "There will be an update from the EPA at the board meeting on Wednesday."

EPA officials do intend to give a presentation at the Anaconda School Board meeting at 7 p.m. Wednesday at the Anaconda High School's Little Theater. EPA will offer up a draft plan for sampling.

The school board must give approval of EPA's plan before the agency can go forward. EPA says agency officials will be listening for comments and feedback from the school board Wednesday.

But, despite the delay, officials have been busy behind the scenes to get ready to sample the schools' interiors for months, said Anaconda-Deer Lodge County Superfund Coordinator Carl Nyman last week.

"We want to make sure we're doing it right so the data is valid and credible whether there is something or there isn't. Everyone wants to do it right and hopefully do it once," Nyman said.

Nyman participated in a 6½-hour walk-through of all three schools in December. The walk-through included the agencies, Atlantic Richfield Company, and various consultants to take a close look at the interior of the schools.

"We hit every classroom and closet imaginable. But we needed to do that to get an idea of what we were looking at," Nyman said.

Nyman said the group paid particular attention to the ceilings to look for cracks or other potential openings, and found the ceilings in all three buildings to be "sealed up pretty good."

Overall, the schools are "very clean," Nyman said. So much so, that it may be hard to get a dust sample that's valid.

"It can be tough to get enough of a sample to get it analyzed. The janitors clean the classrooms five days a week," Nyman said.

Anaconda's Washoe Smelter processed 8,000 tons of Butte's copper ore daily for about eight decades until 1980, sending heavy metals into the air. Anaconda's Superfund site is about 300 square miles.

All three schools, Lincoln Elementary, Anaconda High School and Fred Moodry Middle School, were likely built in the 1940s or 1950s, Nyman said.

Despite the behind-the-scenes efforts, Everett said he is “frustrated and disappointed” over the delay.

“The process has become more intensive than we originally anticipated. But we’re pushing on it every day,” Everett said.

Bloomberg Environment

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=126046546&item=408&prod=deln&cat=AGENCY

EPA Gives Utilities Four Hours to Notify Public of Sewer Overflow

By Amena H. Saiyid, 1/8

Cities and towns operating in the Great Lakes region will have to notify the public no later than four hours after becoming aware of combined sewer overflows, under a rule the EPA is publishing Jan. 8.

The Environmental Protection Agency said the congressionally mandated requirement will apply starting Aug. 8 to 168 communities that hold Clean Water Act discharge permits to operate combined sewer systems, which transport both wastewater and stormwater in a single pipe.

Combined sewer overflows (CSOs) of stormwater and wastewater that occur at outfall points during heavy rains contain human and industrial waste and other toxic materials that pose a threat to public health by contaminating drinking water and that could harm aquatic life.

The purpose of the rule is to notify the public in a timely fashion to avoid exposure to contaminated waters.

The rule (RIN: 2040-AF67) will require these 168 communities to notify the public electronically by either posting on the websites or via text, email, or other forms of social media “as soon as possible”—but no more than four hours—after learning of the overflow through monitoring, modeling, or other means. The communities are located in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin.

The municipalities will be required to post signs at public swimming and boating areas, but not necessarily where there is limited public access. These communities also will be required to provide a status update at least five days after the event occurs.

The same requirements would apply in notifying local public health agencies and drinking water agencies.

Prompt Notification

The EPA selected the four-hour window because it is “prompt enough” to give public the time to decide whether to visit the Great Lakes for boating or swimming, and to give the municipalities time to address the problem and notify the public.

The agency initially required notice within four hours of a spill, rather than four hours after officials became aware of it. The EPA modified the final rule when informed that wastewater utilities don't always become aware of spills immediately after they occur.

Section 425 of the Consolidated Appropriations Act of 2016 (Pub. L. No. 114-113) requires the agency to establish public notification procedures for combined sewer overflows.

The urgency and timeliness of reporting is critical, especially within the first 24 hours of a combined sewer overflow when the public can be exposed to bacteria and viruses, Joel Brammeier, president and chief executive officer for the Chicago-based Alliance to Save the Great Lakes, told Bloomberg Environment Dec. 5.

Flexibility in reporting will help smaller utilities, which often lack staff and resources to notify the public within four hours after an overflow occurs, Brammeier said. But larger utilities in metropolitan areas like Detroit and Chicago are staffed 24-7 and can probably alert the public shortly after the pollution releases occur, he added.

Brammeier also was surprised that the EPA decided to allow wastewater utilities to not post signs at CSO outfalls into waters where there is limited public access. “That's a circular argument because the public won't go to a certain water body if the water is dirty,” he said.

The National Association of Clean Water Agencies, which represents publicly owned wastewater utilities, welcomed the changes to the rule, particularly in recognizing that signs don't need to be posted where there is limited or little public access.

“The added flexibility has helped relieve reporting burdens on utilities across the board,” Cynthia Finley, NACWA's regulatory affairs director, told Bloomberg Environment.

Bloomberg Environment

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=126610160&item=408&prod=deln&cat=AGENCY

Six New Areas Exceed Sulfur Air Pollution Standards, EPA Says

By Jennifer Lu, 1/9

Six new areas exceed federal air pollution standards for sulfur dioxide, the Environmental Protection Agency said.

This brings the number of areas with excess sulfur dioxide pollution to 42, according to [a rule](#) to be published in the Federal Register Jan. 9. States are required to submit plans to the EPA to improve air quality in those regions, which could lead to new pollution control requirements for industries.

Sulfur dioxide is formed during fossil fuel combustion and is harmful to human health and the environment.

The Environmental Protection Agency last set new sulfur dioxide standards in 2010 at a 1-hour standard of 75 parts per billion. It completed its first round of designations in July 2013. A second round was added in 2016 following a court-ordered deadline.

In addition to the six new nonattainment areas, the EPA also said 23 areas were unclassifiable because it lacked enough information to make designations.

Bloomberg Environment

http://esweb.bna.com/eslw/display/no_alpha.adp?mode=si&frag_id=126610152&item=408&prod=deln&cat=AGENCY

Trump Renominates Candidates for Environmental, Safety Posts

By Rob Tricchinelli, 1/9

President Donald Trump Jan. 8 renominated Kathleen Hartnett White to serve as White House Council on Environmental Quality director and Andrew Wheeler to be deputy administrator of the Environmental Protection Agency.

The pair of nominees weren't automatically held over from 2017 after Senate Democrats objected to a procedural move to preserve nominees' active status into 2018.

Dozens of nominees weren't held over, forcing the White House to renominate them.

The top Democrat on the Senate Environment and Public Works Committee, who essentially led efforts to derail White, expressed dismay when told of her renomination, which sets up a bitter confirmation battle for 2018.

"No, you're kidding. That's very disappointing," Sen. Tom Carper (D-Del.) told Bloomberg Environment. "I was hopeful that we could look for some common ground and consensus on nominees—and this is not the best start to the new year."

Other Nominees

On Jan. 8, Trump also renominated Scott Mugno to be head of the Occupational Safety and Health Administration, Steven Gardner to lead the Office of Surface Mining Reclamation and Enforcement, and a pair of Interior Department nominees: assistant secretary pick Susan Combs and solicitor nominee Ryan Nelson.

Earlier in the day, the former Department of Energy general counsel nominee David Jonas, who also wasn't held over, withdrew from consideration.

The Hill

<http://thehill.com/policy/energy-environment/368090-epa-staffing-hits-reagan-levels>

EPA staffing falls to Reagan-era levels

By Timothy Cama, 1/9, 11:39 AM

The Environmental Protection Agency's (EPA) staffing is now lower than it was in former President Ronald Reagan's final year in office.

An EPA spokeswoman said Tuesday that, as of Jan. 3, the agency had 14,162 employees, down from about 15,000 at the beginning of last year.

That's even lower than the 14,400 employees the agency had in fiscal year 1988, Reagan's final year.

The figures come after President Trump and EPA Administrator Scott Pruitt's pledges to shrink the size of the federal government, as part of their efforts to demonstrate that they are saving money and reducing regulatory burdens.

"We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment," Pruitt said in a statement.

If every EPA employee eligible to retire by 2021 does so, the EPA would have less than 8,000 employees by the end of Trump's first term, a cut of nearly half.

The reductions have come from employees leaving on their own will and not being replaced, including through early retirements and buyouts.

The New York Times and ProPublica reported last month that some of the hundreds of employees who have left were key to critical missions at the agency.

For example, about 200 scientists had left as of last month, along with 96 environmental specialists, and nine department directors, many of whom won't be replaced, the news organizations reported.

Washington Post

https://www.washingtonpost.com/national/delaware-officials-seek-public-input-on-epa-plan-repeal/2018/01/08/c7539e2c-f44b-11e7-9af7-a50bc3300042_story.html?utm_term=.457034ce006b

Delaware officials take public input on EPA plan repeal

By Associated Press, 1/8, 3:14 PM

DOVER, Del. — State officials are hearing from Delawareans on the Environmental Protection Agency's proposal to repeal a plan to reduce carbon pollution from power plants.

The Department of Natural Resources and Environmental Control scheduled a meeting and listening

session Monday at the Chase Center on the Riverfront in Wilmington to allow Delawareans to express their views on the proposal.

The EPA announced in October that it intends to repeal former President Barack Obama's plan to restrict greenhouse gas emissions from coal-fired power plants in order to slow global warming.

Meanwhile, Delaware officials announced last week that they intend to sue the EPA over its failure to rein in power plant emissions from other states that are blamed for air pollution in Delaware.

Washington Examiner

<http://www.washingtonexaminer.com/success-epa-set-to-reduce-staff-50-in-trumps-first-term/article/2645362>

Success: EPA set to reduce staff 50% in Trump's first term

By Paul Bedard, 1/9, 9:33 AM

The Environmental Protection Agency, seen by President Trump as a bloated bureaucratic whale, is on schedule to fulfill his promise to reduce its staff nearly in half by the end of his first term mostly through retirements, not cuts, according to officials.

The EPA Tuesday provided to Secrets its first year staff results which show that the agency is below levels not seen since former President Reagan's administration.

And if just those slated to retire by early 2021 leave, Administrator Scott Pruitt and his team will have reduced a staff of nearly 15,000, to below 8,000, or a reduction of 47 percent.

"We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment," Pruitt said in a statement to Secrets.

Several agencies have succeeded in making some cuts, but EPA is taking a lead.

The numbers:

As of January 3, 2018, the EPA has 14,162 employees.

The last time EPA was at an actual employment level of 14,440 was in fiscal year 1988 when Reagan was president.

23 percent of EPA employees can retire with full benefits and another 4 percent can retire at the end of 2018.

Additionally, another 20 percent of EPA employees will be eligible for retirement in the next five years.

Taken together, 47 percent of the EPA will be eligible to retire with full benefits in the next 5 years.

Said an EPA official, "We're happy to be at Reagan-level employment numbers and the future retirements shows a preview of how low we could get during this administration. It would be fair to say anywhere from 25 to 47 percent of EPA could retire during this administration."

Pruitt has used buyouts to spur some of the changes and attractive retirement benefits have also led many to leave the agency. He also instituted a hiring freeze.

Under Pruitt, the agency has gone the "back to basics" of protecting the environment while shucking former President Obama's political agenda focused heavily on climate change.

Daily Caller

<http://dailycaller.com/2018/01/08/government-employees-using-encrypted-messaging-apps-on-work-phones-potentially-violating-federal-law/>

Confirmed: Government Employees Using Encrypted Messaging Apps On Work Phones, Potentially Violating Federal Law

By Joe Simonson, 1/8, 7:22 PM

Over a dozen Consumer Financial Protection Bureau employees have downloaded encrypted messaging applications on government-issued phones and are potentially violating federal law, according to documents obtained by the Cause of Action Institute and provided exclusively to the Daily Caller News Foundation.

This demonstrates a culture of secrecy within some segments of the agency's staff under President Donald Trump.

The Cause of Action Institute (CoA), a nonprofit dedicated to government transparency, received the documents in response to a Freedom of Information Act (FOIA) request following a December New York Times article describing a cohort of agency employees who are conspiring to undermine acting director and Trump appointee Mick Mulvaney's agenda. The individuals call themselves "Dumbledore's Army," named after a group of fictional wizards in the children's series "Harry Potter."

The different apps include popular ephemeral messaging app Snapchat and encrypted messaging apps Signal, WhatsApp along with others.

The Federal Records Act requires federal agencies to preserve the records of anything that relates to a government employee's duties. An amendment was added in Nov. 2014 that defines all "electronic messages" as official records covered by the law.

If Consumer Financial Protection Bureau (CFPB) employees are using third-party applications to avoid having their conduct or day-to-day work recorded, this would potentially violate federal law.

The FOIA request asked for any efforts by CFPB to recover, investigate the use of, or archive any

messages sent on these applications from employees as well as any actual messages sent or received on any of these applications. In the agency's response to CoA, the agency claimed it could not locate any of these records.

Emails retrieved through the FOIA request show CFPB employees exchanging random Harry Potter characters to one another with no context. It's unclear whether these employees are the same ones referenced in the original Times article. Another email shows employees from the "Matters Most" team discussing the FOIA request with other Harry Potter references bizarrely included throughout.

One email, however, does show some CFPB managers in a positive light. When an assistant regional director sent two of his managers the Times article, he appears upset by the reporting and replies with the following:

"Thanks for the heads up Andrew. Interesting article. I would hope no one on our team is quietly resisting leadership that all 4 ADs are following."

Rogue employees at federal agencies using encrypted messaging apps has been an ongoing issue under the Trump administration. The Daily Caller News Foundation reported on a CoA lawsuit filed in November against the Environmental Protection Agency for records related to staff members' use of Signal.

"We now know that a small group of career EPA employees used Signal to avoid transparency," CoA counsel Ryan Mulvey told TheDCNF at the time.

"These employees' work-related communications—including their messages concerning any proposed efforts to thwart the new Administration's political appointees from carrying out the President's policy agenda—should have been preserved for disclosure to the public," Mulvey said. "Records released by the EPA, however, prove that this preservation never took place."

Daily Caller

<http://dailycaller.com/2018/01/09/trumps-epa-is-on-course-to-retire-half-its-staff/>

Trump's EPA Is On Course To Retire Half Its Staff

By Tim Pearce, 1/9, 11:57 AM

Due to a series of buyouts and retirements, the Environmental Protection Agency (EPA) could cut its workforce by half by the end of President Donald Trump's first term in office, The Washington Examiner reports.

Several agencies in the Trump administration are focused on a leaner workforce and cutting spending. The EPA is leading the pack. It is on track to reduce the size of the agency anywhere from 25 to 47 percent.

"We're proud to report that we're reducing the size of government, protecting taxpayer dollars and

staying true to our core mission of protecting the environment,” EPA administrator Scott Pruitt said in a statement to The Washington Examiner.

At the start of 2018, EPA employed 14,162 workers. Through Pruitt’s series of buyouts and generous retirement packages, as well as normal retirements, up to 47 percent of employees will leave the agency in the next five years.

Trump initiated a hiring freeze in Jan. 2017 that will prevent retirees being replaced by new hires.

If the EPA remains on its current course, agency could employ less than 8,000 people in the next few years. It would be the leanest workforce the agency has seen since 1972, two years after it was created.

Politico

<https://www.politicopro.com/energy/whiteboard/2018/01/epa-says-still-mulling-ozone-rewrite-as-implementation-progresses-349262>

EPA says still mulling ozone rewrite as implementation progresses

By Alex Guillen, 1/8, 3:14 PM

EPA today told a federal court that its review of the 2015 ozone standard is ongoing, but it did not provide any details on when that process might conclude, even as the agency takes steps with states toward implementing the rule.

The D.C. Circuit Court of Appeals last year paused litigation over the standard of 70 parts per billion at the Trump EPA’s request.

EPA has dragged its feet on the rule's implementation, but late last month it told states which areas it is considering designating as “nonattainment,” which would trigger requirements for those areas to act to limit air pollution. Environmental groups last week asked a federal court to set a hard deadline of April 30 for EPA to issue those designations — which would give the states the 120 days they are allotted to contest EPA designations with which they disagree.

The Obama administration similarly reviewed the Bush administration's 2008 ozone standard upon taking office, and announced in September 2009 that it would formally rewrite the rule. (That effort was ultimately halted by former President Barack Obama himself in 2011 before the standard could be lowered.) EPA's update today indicates that the agency may not be close to deciding whether to weaken the standard or keep it in place.

WHAT’S NEXT: EPA said it will file another update on its review of the 2015 ozone standard in 90 days.

WAMC Northeast Public Radio

<http://wamc.org/post/epa-delays-decision-ge-hudson-river-pcb-cleanup>

EPA Delays Decision On GE's Hudson River PCB Cleanup

By Allison Dunne, 1/8

The U.S. Environmental Protection Agency has informed General Electric that its decision about whether to formally determine that the Upper Hudson River PCB cleanup is complete is delayed. Meantime, the U.S. Fish and Wildlife Service sent a letter to the EPA, saying additional cleanup would accelerate recovery of the river and its resources.

EPA received GE's Remedial Action Completion Report, in which GE requested EPA's Certification of Completion, January 3, 2017. The agency had one year to respond. But in its January 2, 2018 letter to GE, it says that it is not ready to respond because it has not yet finalized its second Five Year Review report for the Hudson River PCBs Superfund site, which it had wanted to do before deciding whether the PCB cleanup is complete. GE Spokesman Mark Behan says EPA recently did advise that it would need a bit longer to complete its five-year review report.

"It expects to do so shortly and then will consider GE's application for Certificate of Completion," Behan says. "And we look forward to EPA promptly completing and issuing both documents."

EPA explains in the letter that completing the five-year report is taking longer than anticipated, given the number and complexity of comments submitted during the public comment period. EPA said last year that the review does conclude that the \$1.7 billion, six-year cleanup is working, and will accomplish its long-term goal of protecting human health and the environment when complete. EPA in its letter also notes that it has received comments on GE's certification request from the federal trustees and New York state, and requires additional time to carefully consider these comments. One of the federal trustees is the U.S. Department of the Interior's Fish and Wildlife Service, where Kathryn Jahn is Hudson River Case Manager. Jahn signed a December 2017 letter to EPA.

"As we note in our letter, additional PCB removal and robust habitat reconstruction under the CERCLA, the Superfund remedial program, will accelerate the recovery of the river and its resources, which reduces the restoration that's required, which facilitates the overall recovery, which is our goal, and EPA's goal and our co-trustees' goal, successful recovery of the Hudson River," Jahn says.

NOAA, the National Oceanic and Atmospheric Administration, is the other federal trustee and New York, the state trustee. Ned Sullivan is president of Poughkeepsie-based Scenic Hudson, which has long called for more dredging.

"Well, we're very pleased that the U.S. Fish and Wildlife Service has reaffirmed its position that additional cleanup is needed, that it would accelerate the recovery of the river," Sullivan says.

GE's Behan responds to the calls for additional dredging.

"There really is no dispute that the dredging project was a success. PCBs measured in the river at every environmental monitoring station have declined since dredging. All of the PCBs that EPA

targeted for removal have been removed,” says Behan. “EPA has called the project a success and has determined that it will protect human health and the environment going forward.”

During his State of the State address January 3, New York Governor Andrew Cuomo reiterated his vow from December to take legal action should the EPA deem the cleanup complete.

“The Hudson River is one of our greatest and most scenic waterways in the nation. For many years, General Electric polluted the river with PCBs. There has been progress made in cleaning it up but the job is not done,” Cuomo said. “So if the federal government releases GE saying the cleanup is complete, I’ll tell you what this state is going to do. We’re going to sue the federal government to stop it because we will not end our efforts until our future generations can once again fully enjoy the beautiful Hudson River.”

Again, Scenic Hudson’s Sullivan.

“So we’re hopeful, I am hopeful, that EPA will heed the calls of all the trustees, federal and state, and avoid the litigation that the governor and attorney general are very explicitly stating will occur if they do the wrong thing,” says Sullivan. “We don’t want to see litigation. We want to see a clean river.”

General Electric removed 2.65 million cubic yards of contaminated sediment from a 40-mile stretch of the upper Hudson through 2015. Jahn says her agency continues to be concerned about the significant PCB contamination left in the Hudson River.

“Well, as trustees, what we are doing is pursuing damages from GE to restore the injured natural resources. An example of an injury is the consumption advisories that have been in place for fish for the Hudson River for decades, and those advisories will continue for decades because of the residual PCB contamination,” says Jahn. “So, as trustees, we’ll be looking at restoration options to put back those lost uses.”

EPA officials say that in 15 years, people will be able to safely eat one fish meal every two months and that it likely will be more than 55 years before all local species of fish are clean enough to eat once a week.

FarmFutures

<http://www.farmfutures.com/epa/epa-will-award-3-million-environmental-education-grants>

EPA will award up to \$3 million in environmental education grants

(no author listed), 1/9

Up to \$3 million in funding is available for locally-focused environmental education grants under the 2018 EE Local Grant Program. EPA will award three to four grants in each of EPA’s ten Regions, for no less than \$50,000 and no more than \$100,000 each, for a total of 30-35 grants nationwide.

Proposals are due March 15, 2018. The Requests for Proposals will be posted on

<http://www.grants.gov/> later this week.

The 2018 EE Local Grant Program includes support for projects that reflect the intersection of environmental issues and agricultural best-practices, conservation of natural resources, food waste management, and natural disaster preparedness. Funded projects will increase public awareness of those topics and help participants to develop the skills needed to make informed decisions. A Request for Proposals (also called a Solicitation Notice) containing details will be issued by each of the ten EPA Regions.

"By recognizing these locally-based learning and awareness opportunities, the Environmental Protection Agency is taking both a local and national leadership role in promoting sound agricultural conservation practices, environmental disaster preparedness, adequate food waste management and other important environmental best-practices," said Administrator Scott Pruitt. "Environmental education starts locally in our own backyards, classrooms and in the fields of farmers who work the land directly, and I'm proud to play a role in enhancing such learning opportunities."

Through this grant program, EPA intends to provide financial support for projects that:

- design, demonstrate; and/or disseminate environmental education practices, methods, or techniques, as described in this notice,
- will serve to increase environmental and conservation literacy, and
- encourage behavior that will benefit the environment in the local communities in which they are located.

Since 1992, EPA has distributed between \$2 million and \$3.5 million in annual grant funding under this program, supporting more than 3,700 grants.

Proposals are due by March 15, 2018. The full solicitation notices will be posted later this week at <http://www.grants.gov/> and at <http://www.epa.gov/education/environmental-education-ee-grant-solicitation-notice>.

Source: EPA

InsideEPA

<https://insideepa.com/daily-feed/gao-agrees-investigate-natural-disaster-risks-superfund-sites>

GAO agrees to investigate natural disaster risks to Superfund sites

1/8

The Government Accountability Office (GAO) has agreed to investigate how well EPA is prepared to protect Superfund sites from the impacts of natural disasters caused by climate change, following a request last year from Democratic senators who serve on the Environment and Public Works Committee.

In a Dec. 21 letter to Sen. Tom Carper (D-DE), first reported by BuzzFeed, GAO says it is accepting the senators' "request as work that is within the scope of its authority. At the current time we anticipate that staff with the required skills will be available to initiate an engagement in about four months."

Carper and the committee's other Democrats asked GAO last year to investigate the risks to Superfund sites from strong hurricanes, flooding, wildfires and sea-level rise caused by climate change, and to suggest actions to mitigate their risks. The senators raised their concerns over the impacts of climate change on waste sites in a Dec. 4 letter to GAO and during a Dec. 6 hearing highlighting challenges facing waste cleanup in the wake of natural disasters.

In the GAO request, the senators asked the office to "undertake a study on the risks to human health and the environment posed by natural disasters' impacts on Superfund sites and evaluate what federal actions may be taken to reduce those risks."

As Suzanne Yohannon reported for Inside EPA's Outlook 2018, EPA Administrator Scott Pruitt has, in at least one instance, taken climate considerations into account when setting cleanup remedies at a Superfund site -- despite his and the Trump administration's general reluctance to consider such effects.

Pruitt's cleanup decision at the San Jacinto Waste Pits site in Houston, TX, which sought to limit potential contamination as a result of more intense storms and other climate impacts, resulted in stricter and costlier remedies for the site than what the Obama administration had proposed, drawing significant concerns from industry.

Pruitt's push for such strict cleanups is "a way to shake up the narrative" in the face of criticisms from Democrats and environmentalists that the administrator is undermining environmental protections, says one industry source.

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